

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of G. HARDIMAN, Minor.

UNPUBLISHED

March 13, 2014

No. 317996

Ottawa Circuit Court

Family Division

LC No. 11-070842-NA

Before: MARKEY, P.J., and WILDER and MURRAY, JJ.

PER CURIAM.

Respondent mother appeals by right the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) (conditions of adjudication continue to exist), MCL 712A.19b(3)(g) (failure to provide proper care and custody), and MCL 712A.19b(3)(j) (reasonable likelihood that the child will be harmed if returned to parent's home). We affirm.

The Department of Human Services (DHS) petitioned for removal of respondent's child in December 2011, because respondent was suffering from schizophrenia and was unable to care for the child. The trial court ordered respondent to undergo counseling, a psychological evaluation, and parenting classes. Despite her compliance with the service plan, respondent remained unable to concentrate or adequately supervise the child during visitation times, so DHS petitioned for termination of respondent's parental rights in June 2013. The trial court held a hearing and terminated respondent's parental rights in August 2013.

Respondent does not challenge the statutory grounds for termination. Rather, respondent argues that the trial court clearly erred in finding that termination was in the child's best interest. MCL 712.19b(5). Respondent argues that she was bonded with child and able to provide the child with adequate supervision. Respondent further asserts that because the child was placed with a relative, this should have mitigated against termination.

We conclude that the trial court did not clearly err by finding that the evidence established that termination of respondent's parental rights was in the child's best interest. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although it was uncontested that respondent loved the child, complied with the service plan's requirements, and even located and completed additional parenting classes beyond those that DHS required, the evidence demonstrated that she remained unable to adequately supervise the child during the parenting time visits. The caseworker, relative caregiver, and parenting time supervisor each testified that respondent often "zon[ed] out" during her parenting times and appeared to be unaware of what the child was doing. As a result, the child fell down the stairs twice during one visit. During

another visit, the child turned on the stove twice during a ten-minute period. Evidence supported that respondent would need constant supervision around the child. We find no clear error with the trial court's conclusion that the child would not be safe if returned to respondent's care.

The trial court acknowledged that respondent shared a bond with the child but found that the bond was not what one would expect between a mother and a child of the same age as respondent's child. Moreover, the court found the interests of permanency and stability outweighed this determination under the facts of this case. See *In re LE*, 278 Mich App 1, 29-30; 747 NW2d 883 (2008). The trial court also considered that the child was placed with a relative, and the relative expressed no interest in pursuing a juvenile guardianship or supervising respondent's parenting time visits. Because respondent zoned out during visits and was unable to adequately supervise the child, the relative caregiver, who was willing to adopt the child, testified that she believed it was in the child's best interest to terminate respondent's parental rights. We find no clear error with the trial court's conclusion that relative placement or the bond between respondent and the child did not mitigate termination under the facts of this case.

On this record, we find that the trial court did not clearly err by determining that termination of respondent's parental rights was in the children's best interests. See *In re Frey*, 297 Mich App 242, 248-249; 824 NW2d 569 (2012) (finding termination was in the child's best interest where the "evidence showed that it was unlikely that the child could be returned to her parents' home within the foreseeable future," and that the child required a safe and stable home).

We affirm.

/s/ Jane E. Markey
/s/ Kurtis T. Wilder
/s/ Christopher M. Murray